

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.4 OF 2005
IN
SUMMARY SUIT NO.3221 OF 2004

Raymond Limited ..Plaintiffs

Vs.

R.S.Textiles & Ors. ..Defendants

Mr.Yash Kapadia a/w Mr.V.Iyer i/b Rajani Associates
for the plaintiffs

Mr.Virendra Kanojia for the defendants

CORAM : S.U.KAMDAR, J
DATED : 17TH OCTOBER, 2005

P.C.:

. The present suit is filed for goods sold and delivered in respect of various invoices and the total claim is for Rs.24,45,552.53. The principal amount is Rs. 15,25,952/- and interest amount is Rs.9,19,600.53. It is the case of the plaintiffs that inspite of said goods sold and delivered defendant also issued certain cheques in part payment. However, each of the said cheques are dishonoured. Cheques are issued from 1.1.02 to 31.12.02. The invoices are issued from 29.3.00 to

7.9.00. Suit is filed on 30.8.04. From the date of the invoice the suit is filed beyond 3 years. However, in my opinion, by virtue of acknowledgement of liability by issuance of cheques during the period 1.1.01 to 31.12.02 the claim would be within time. Defendants are served with the writ of summons. Defendants has filed their appearance. However, the learned counsel for the defendants states that he has no instruction that Summons for Judgment is served on him. He has not fled any affidavit in reply. In that view of the matter, suit is decreed with interest @ 12% from the date of the suit till payment and/or realisation. Suit as well as summons for judgment are disposed of accordingly. Refund of Court Fee as per rules.